

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**EDWIN OLIVERAS,**

Plaintiff,

v.

**CASE NUMBER: 5:13-cv-1071 (DNH/DEP)**

**CAROLYN W. COLVIN,**

**Acting Commissioner of Social Security,**

Defendant.

**Decision by Court.** This action came to a hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the final decision of the Commissioner be and hereby is REVERSED, and that the matter is REMANDED to the Defendant for further administrative action, which will include offering Plaintiff an opportunity for a new hearing as well as issuing a new decision. It is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

All of the above pursuant to the order of the Honorable Judge David N. Hurd, dated the 11<sup>th</sup> day of April, 2014.

DATED: April 11, 2014

  
Clerk of Court

By: s/ Nicole Killius

Deputy Clerk